

Order

Michigan Supreme Court
Lansing, Michigan

December 30, 2009

Marilyn Kelly,
Chief Justice

139318 & (40)(41)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

TERRI PRICE and DOUGLAS PRICE,
Plaintiffs-Appellees,

v

SC: 139318
COA: 281934
Ingham CC: 07-000005-NO

KROGER COMPANY OF MICHIGAN,
Defendant-Appellant.

On order of the Court, the defendant's motion for miscellaneous relief is DENIED. The plaintiffs' motion for miscellaneous relief is GRANTED. The application for leave to appeal the June 18, 2009 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, J., would grant leave to appeal to consider the Court of Appeals' dissenting opinion.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 30, 2009

Corbin R. Davis

Clerk